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**FEDERAL COMMUNICATIONS COMMISSION
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not economically and/or technically feasible.¹ RCCMC's member companies will be affected by the FCC's proposed revisions to the common carrier microwave rules and licensing procedures set forth in the NPRM.

RCCMC commends the Commission for taking measures that will simplify the rules and eliminate unnecessary regulation. The following comments are directed to those FCC proposals which will most directly affect existing licensees who provide fixed common carrier microwave service. The comments discuss how the FCC might amend its rules to ease regulatory burdens on new applicants and existing licensees while protecting existing PPMRS licensees from harmful interference.

II. DISCUSSION

A. Application and Licensing Requirements

1. The Proposed Elimination of Certain Application Showings Required Under Part 21 is Timely and Appropriate.

a. Financial Certification

RCCMC applauds the Commission's decision to eliminate requests for certain financial information as part of the application process. Providing the information takes time on the part of the applicant, but adds little to a meaningful applicant profile. In particular, RCCMC agrees that it is unnecessary to require common carrier microwave applicants to certify their financial ability to responsibly maintain a station, given the overwhelming

¹ Members of RCCMC include Central Texas Telephone Cooperative, Inc. (Texas), Cellular Mobile Systems of St. Cloud General Partnership (Minnesota), Mid-Tex Cellular, Ltd. (Texas), Border-to-Border Communications, Inc. (Texas), RSA 11 Limited Partnership (Iowa), CGKC&H No. 2 Cellular Limited Partnership (Texas), Georgia Independent RSAs No. 7 and 10 Cellular Partnership (Georgia), Arctic Slope Telephone Cooperative, Inc. (Alaska), ENMR Telephone Cooperative, Inc. (New Mexico), Eastern Telecommunications Services Company (New Mexico).

tendency of applicants to be bona fide in their intentions. Accordingly, elimination of Sections 21.13(a)(2) and 21.17 is supported.

b. Public Interest Statement

The same reasoning applies to elimination of a mandatory public interest statement, under Section 21.13(a)(4). In fact, public interest statements are grossly pro forma in nature and carry little weight in and of themselves.

c. Local Authorization

RCCMC supports the Commission's proposal to eliminate the requirement that applicants submit a copy of their franchise or local authorization (§ 21.13(f)). It would be beneficial, however, to require applicants with pending applications to notify the Commission if a local authorization is denied, so that the application can be removed from the processing queue, in fairness to qualified applications in the processing line. Accordingly, RCCMC supports adding this notification requirement to new Section 101.

d. Maintenance/Technical Support

The Commission should continue to require that licensees provide an up-to-date address and telephone number of a maintenance center or technical support employee, in case of interference reports or similar situations (§ 21.15(e)(1) and Item 18 of FCC Form 494). This information is far more useful to the Commission than the information required by Sections 21.13(g)(who is in control of station) and 21.15(e)(maintenance procedures). RCCMC suggests replacing these last two requirements with a general rule describing a licensee's responsibilities for maintenance and control of the station, and retaining the requirement that applicants and licensees keep the Commission informed of how to contact technical personnel.

Relatedly, the burden of posting the name, address and telephone

number of a station's custodian at the station premises in the event that the station license is kept at a different location is minor. Accordingly, that requirement should be retained, as worded in Section 21.201, in order to give the Commission's Compliance and Information Bureau and other interested parties the ability to contact the station licensee.

e. Site Availability

A demonstration of site availability (§ 21.15(a)) is not essential to the processing of common carrier microwave applications. This requirement should be replaced with a certification requirement. In the past, applicants have been required to submit copies of leases or proof of ownership when filing the application. Most leases and deeds contain detailed contractual information that are irrelevant to the licensing process and provide no useful information to the FCC. Accordingly, the FCC should eliminate the proof of site availability requirement and permit applicants to certify that reasonable assurance to use the site exists. Additionally, FCC Form 494 should be revised at Item 12(b) to eliminate the request for submission of documents demonstrating proof of site availability.

f. Vertical Profile Sketches

Vertical profile sketches (§ 21.15(c)) are not essential to the processing of common carrier microwave applications and the requirement that they be provided in the application should be eliminated. However, the antenna centerline height information on the vertical profile sketch should continue to be included in the engineering portion of the application.

g. Electronic Filings

The FCC proposes to modify FCC Form 494 to make it compatible with electronic filing. Specifically, the FCC envisions an electronic form designed

for personal computers using a windows-based environment. The data on the form would be uploaded from a personal computer to an electronic mailbox maintained by a third party and then downloaded to an FCC mailbox in the correct format. Applicants would be required to pay their application fees electronically as well.

While RCCMC does not object to the FCC's proposed electronic filing process per se, the fact remains that smaller applicants, particularly those in rural areas, may not have access to the technology necessary to complete and submit an electronic filing. Accordingly, RCCMC recommends that the FCC at the very least allow small businesses as defined by the Small Business Administration,² to submit paper applications.

**2. Applicants and Licensees Should Be Required to
Disclose Ownership and Character Information
Sufficient to Reveal Improper Alien/Foreign Interests.**

In keeping with the proviso that no common carrier shall be licensed to or controlled by an alien or foreign government (§ 21.14), ownership and "real party in interest" information should reveal facts necessary to make such a determination. It is less burdensome and just as efficient, however, to directly inquire into the status of alien/foreign parties in interest than to require a complete listing of all persons and corporations involved in a station's ownership. This is especially true for major systems, which often have numerous participants, many with insignificant amounts of corporate control and/or influence. This is less of a concern for rural companies, which tend to be small and closely held. Accordingly, applicants should be required

² The SBA's definition of "small business" permits an applicant to qualify for financial assistance based on a net worth not in excess of six million dollars with average net income after federal income taxes for the two preceding years not in excess of two million dollars.

to report only those parties with controlling interests in a station, and all alien/foreign entities involved, including the extent of their involvement.

3. Applicants Should Have One Year to Complete a License Assignment or Transfer of Control.

Transactions such as assignments or transfers of control of station licenses rarely occur without a hitch, as there are both legal and technical issues to resolve. As a result, and as the Commission has recognized, applicants for authorization to undertake these transactions usually require one or more extensions of time before the business is completed. It is unusual for the Commission to deny a legitimate request for an extension of time in these situations, yet both the applicant and the FCC expend time and manpower to formally apply for and grant these requests. Therefore, RCCMC supports the proposal to allow a year (365 days) for the consummation of an assignment or transfer of control. The licensee, however, should be required to notify the FCC on the last day of the term if the transaction has not been finalized.

4. Commencing Operation

The FCC's proposed clarification of the "in operation" standard is useful. RCCMC agrees that "in operation" means the actual transmission of operating signals, not the mere technical ability to transmit. This meaning, and the fact that transmission of test signals and color bars do not constitute operational status for microwave facilities, should be stated unambiguously in the rules, and RCCMC supports the clarification.

B. Technical Standards

1. The Frequency Availability Chart is a Welcomed Consolidation of Formerly Scattered Information.

RCCMC applauds the addition of a comprehensive frequency availability chart to new Section 101. Having to search through different copies of the Code of Federal Regulations in order to find frequency availability information for different, but similar, services was cumbersome. The new frequency chart epitomizes the purpose of new Section 101--to consolidate and streamline the regulation of technically similar services.

2. Coordination Procedures/Interference Protection Standards

The Commission has proposed to apply the same coordination procedures and interference protection standards to both common carrier and private operational fixed microwave users. These procedures and standards are consistent with the TIA industry standards. Generally, the newly proposed interference standards and coordination procedures do not sacrifice path reliability or integrity. The newly proposed interference criteria are up to date and appropriate to new technology, digital signal processing techniques, digital modulation techniques used in today's digital microwave systems to combat interference and fading problems.

The Commission should clarify that the responsibility and burden of interference protection is upon the newest applicants, based on application filing dates. Also, the Commission should place the responsibility for the costs associated with equipment upgrades, modifications, power adjustments, and necessary FCC filings on the new applicant rather than on the incumbent microwave licensee.

RCCMC also urges the Commission to condition subsequent authorizations on a contingency basis for a sixty day period of interference-free operation. This conditional grant will ensure that the newly licensed station does not cause interference to older facilities.

3. Transmitter Power Limitation

RCCMC supports the Commission's proposal to allow a maximum EIRP of + 55 dBW for all PPMRS radio bands from 4 GHz to 40 GHz to allow for increased path reliability on long paths and to set a common standard for all bands. Proposed rule 101.113 eliminates the values for maximum allowable transmit power thereby allowing frequency coordination to take place using the maximum allowable power for the worst case co-channel and adjacent channel analysis, if needed.

4. Automatic Transmitter Power Control

The Commission seeks comment on whether the use of Automatic Transmitter Power Control (ATPC)³ technology should be explicitly authorized in its rules. NPRM at para. 18. The Commission has recommended that ATPC be permitted if capped at up to a 3 dBu increase in power above the 55 dBW EIRP currently allowed to be transmitted. The TIA TSB 10-F relied on by the Commission allows for three types of power: 1) maximum transmit power; 2) coordinated transmit power; and 3) normal transmit power. Id. While ATPC could prove beneficial to microwave licensees, certain safeguards must be in place to prevent against misuse and inefficient use of the spectrum.

For example, if ATPC is allowed, the coordination process and interference analysis must take into consideration the potential power increase

³ ATPC is a feature of digital microwave radio that automatically adjusts transmitter power output based on path fading detected at the far-end receiver(s). See NPRM at para. 18.

up to 3 dBu (or any other permissible maximum allowed by the Commission) above the minimum required transmitter power for reliable operation in order to ensure interference-free operation for all neighboring systems. The coordination must show the effect of the power increase on all co-channels and adjacent channels. Accordingly, RCCMC urges the Commission to require applicants seeking to use ATPC to coordinate frequency use with the assumption that the maximum output power will be used (i.e. 3 dBu above the normal transmit power).

While RCCMC supports the usage of ATPC generally, RCCMC is concerned that severe cases of interference and service interruption may occur during deep fades when one transmitter powers up and others do not. Such an occurrence would cause an increased level of interference which would result in an automated power increase which could create a chain reaction. Because fade durations vary depending on geographic weather conditions (e.g., fog, haze, rain, snow and climactic temperatures), a transmitter could operate at its maximum power for long periods of time. This would increase the acceptable level of interference to co-channels and adjacent channels, and in some instances force other transmitters to shut down. Unnecessary increases in output power would affect the efficient use of microwave frequencies by requiring more isolation, increased cost for coordination and larger separation between cochannels and adjacent channels. Accordingly, RCCMC urges the Commission to take measures to ensure that licensees properly install and maintain radio transmitter equipment and monitor the level of ATPC activity.

Finally, the FCC Form 494, Radio Station Authorizations and the license database will need to be modified to reflect the maximum output power. Additionally, path coordination analysis must be based on the maximum


allowable output power.

III. CONCLUSION

RCCMC's comments are directed towards ensuring that rural telephone companies and rural cellular companies do not have undue regulatory burdens imposed on them and still are able to operate their systems without receiving interference. The FCC will serve the public interest by adopting application and licensing procedures and technical standards that balance both these goals. Hence, for the reasons described above, RCCMC respectfully requests that the FCC adopt RCCMC's recommendations as set forth in these comments.

Respectfully submitted,

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